



Business & Industry Association of New Hampshire

WRITTEN TESTIMONY: BUSINESS & INDUSTRY ASSOCIATION OF NEW HAMPSHIRE

Before the New Hampshire Department of Environmental Services

IN RE: December 2002 Proposed Instream Flow Rules

Michael S. Giaimo, Esq.

December 20, 2002

Dear Mr. Wayne Ives, NH Department of Environmental Services, Water Division

The Business & Industry Association of New Hampshire (BIA) appreciates the opportunity to provide our comments on the latest draft of the proposed instream flow rules. The BIA believes that it is obligatory to start off by complimenting the Department of Environmental Services (DES), for their dedication, determination, and passion regarding the passage of instream flow protection. The BIA extends its appreciation to DES for its tireless effort in crafting rules pertinent to this important issue, an issue which the state has been grappling with for over 12 years.

DES has expended serious time, effort, and resources in trying to craft rules that strike a balance between the diverse needs, wants and desires of the state. DES is to be commended for their hard work, and willingness to work with the public regarding this tenuous subject matter. The department is also to be thanked for getting clarifying legislation approved, which make these rules possible. DES developed legislation that was mutually agreeable by all of the parties, and should be thanked for finding a way to get all of the parties together to reach a negotiated compromise.

The BIA supports the policy enunciated in the current rules. They prescribe a pilot program, which will serve as a testing ground for developing prudent procedures by which instream flow shall be established and enforced, with consideration given to a wide range of interests, including business, conservation, and municipal interests. The rules also provide for committees where useful dialogue and objective science can be used to craft site specific standards.

What the BIA finds most appealing about the current rules is that they will result in a starting point for future procedures, processes, criteria, and standards on other state rivers. Given the complexity of issues surrounding water, a pilot approach is the most practical and prudent manner of regulations. The experiences of the pilot project will result in smart policy in the future for other rivers.

In conclusion, the BIA again thanks DES for their hard work. We appreciate the opportunity to be heard and present our thoughts in regard to the proposed rules, and we look forward to participating in the pilot study.

Respectfully submitted,

Michael S. Giaimo, Esq.
Business & Industry Association of New Hampshire
Vice President- Environmental Affairs